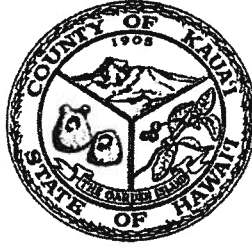


COUNTY COUNCIL

Jay Furfaro, Chair
Mason K. Chock, Sr., Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
Mel Rapozo
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK


Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Līhu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

May 15, 2014

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Jay Furfaro, Council Chair 
RE: **MAY 14, 2014 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its May 14, 2014 Council Meeting:

CONSENT CALENDAR:

C 2014-135 Communication (03/07/2014) from the County Engineer, transmitting for Council consideration, a Resolution Amending Resolution No. 97 (1981) By Removing A School Bus Stop On Awawa Road, Hanapēpē Valley Area, Waimea District, due to narrow access of the bus stop and safety concerns of bus drivers. *(Received for the Record.)*

C 2014-136 Communication (04/08/2014) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Mary K. Hertog to the Police Commission for the County of Kaua'i – Term ending 12/31/2015. *(Received for the Record.)*

C 2014-137 Communication (04/15/2014) from Council Vice Chair Chock, providing written disclosure of a possible conflict of interest and recusal relating to the Comprehensive Economic Development Strategies (CEDS) – Keiki to Career Workforce Readiness appropriation in the Office of Economic Development, Fiscal Year 2014-2015 Mayor's Operating Budget Submittal, as he is on the Leadership Council for the Keiki to Career – Workforce Readiness initiative. *(Received for the Record.)*

C 2014-138 Communication (04/16/2014) from Council Chair Furfaro, transmitting for Council consideration, proposed amendments to Subsections 8-15.1(b) and 8-15.1(d) of the Kaua'i County Code 1987, as amended, relating to Additional Dwelling Unit on Other Than Residentially Zoned Lots, to extend the sunset date to December 15, 2024, along with requirements for an annual recertification and payment of an administrative processing fee. *(Received for the Record.)*

C 2014-139 Communication (05/02/2014) from Council Chair Furfaro, transmitting for Council consideration, a Resolution Requesting The Establishment Of Annual Grants For Non-Profit Organizations To Enable Registered Beekeepers To Test Their Bee Pollen For Pesticides And Other Threats. *(Received for the Record.)*

COMMUNICATIONS:

C 2014-125 Communication (04/17/2014) from the County Attorney, requesting authorization to expend funds up to \$15,000 to retain Special Counsel to advise the Council concerning coverage under the County's insurance policy with Everest National Insurance Company, in connection with the lawsuit Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 JMS-RLP (United States District Court), and related matters. *(Deferred.)*

C 2014-140 Communication (04/16/2014) from the Director of Parks and Recreation, requesting Council approval to purchase the following equipment:

- 1) Chipper for the bucket truck to be used by the tree trimming crew in the amount of \$51,000; and
- 2) Utility Truck to be used by the Irrigation Repair Specialist, for a one-year lease payment in the amount of \$42,000, to carry tools, pipes, and parts to complete repairs and efficiently perform related duties. *(Approved.)*

C 2014-141 Communication (04/21/2014) from the Director of Finance, requesting Council approval to accept a monetary donation, in the amount of \$5,627, from 'Ohana O Kaua'i for overtime expenses incurred by the Kaua'i Police Department and the Department of Public Works for the Mana March held on September 8, 2013. *(Approved with thank-you letter to follow.)*

C 2014-142 Communication (04/21/2014) from the Executive on Transportation, requesting Council approval to receive, indemnify, and expend additional Federal Transit Administration (FTA) Section 5311 funds, in the amount of \$332,634, from an existing grant being provided to the County of Kaua'i, to utilize for public transit operations, driver salaries and fringe costs on existing positions, and other transit operating expenses. *(Approved.)*

C 2014-143 Communication (04/24/2014) from the Housing Director, requesting Council approval to apply for, receive, expend, and indemnify the United States Department of Housing and Urban Development (HUD) grant funds, in the amount of \$133,000, for the continuation of the two (2) salaries for the Housing Choice Voucher Family Self-Sufficiency (HCVFSS) Program Coordinators, to continue to enable participating low-income families to increase their earned income, reduce or eliminate the need for welfare assistance and rental subsidies, and make progress towards economic independence and self-sufficiency. *(Approved.)*

C 2014-144 Communication (04/29/2014) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal Highway Safety grant funds from the State of Hawai'i Department of Transportation, in the amount of \$124,813, to fund a 1.00 Full Time Equivalent (FTE) Special Prosecuting Attorney salary and associated benefits, as well as travel and training costs to assist in handling the increased case load of vehicular crimes on Kaua'i. ***(Approved.)***

C 2014-145 Communication (05/02/2014) from the County Attorney, requesting authorization to expend funds up to \$15,000 for Special Counsel's continued services provided in for the claim against the County by Shane N. Matias, filed on June 2, 2010, and related matters. ***(Approved.)***

C 2014-146 Communication (05/02/2014) from the County Attorney, requesting authorization to expend funds up to \$50,000 for Special Counsel's continued services provided in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters. ***(Approved.)***

C 2014-147 Communication (05/02/2014) from the County Attorney, requesting authorization to expend funds up to \$40,000 for Special Counsel's continued services in In Re Application of County of Kaua'i for a Contested Case Hearing, regarding National Pollutant Discharge Elimination System (NPDES) Permit No. HI 0020257 and Zone of Mixing Permit No. ZM-30 for the Wailua Wastewater Treatment Plant located in Wailua, County of Kaua'i, State of Hawai'i, and related matters. ***(Approved as amended to expend funds up to \$15,000.)***

C 2014-148 Communication (05/02/2014) from the County Attorney, requesting authorization to expend funds up to \$35,000 for Special Counsel's continued services provided in Syngenta Seeds, Inc.; a Delaware corporation, et al. vs. County of Kaua'i, Civil No. CV14-00014 BMK (U.S. District Court), and related matters. ***(Approved.)***

C 2014-149 Communication (05/02/2014) from the County Attorney, requesting authorization to expend funds up to \$25,000 for Special Counsel's continued services to advise and represent the County Council in matters relating to the investigation of personnel matters involving the County Auditor's Office, and related matters (including Ernesto G. Pasion vs. County of Kaua'i, et al., Civil No. 13-1-0340 (Fifth Circuit Court)), and related matters. ***(Approved.)***

C 2014-150 Communication (05/02/2014) from the County Attorney, requesting authorization to expend funds up to \$15,000 for Special Counsel's continued services provided in County of Kaua'i vs. Michael Guard Sheehan, et al., Civil No. 11-1-0098 (Condemnation), Fifth Circuit Court, and related matters. ***(Approved.)***

C 2014-151 Communication (05/02/2014) from the County Attorney, requesting authorization to expend funds up to \$50,000 for Special Counsel's continued services provided for Defendant Chris Calio in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. CV13-00202 DKW-BMK (U.S. District Court), and related matters. ***(Approved.)***

C 2014-152 Communication (05/02/2014) from the County Attorney, requesting authorization to expend funds up to \$50,000 for Special Counsel's continued services to represent Henry Barriga and Sherwin Perez in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. CV13-00202 DKW-BMK (U.S. District Court), and related matters. ***(Deferred.)***

CLAIMS:

C 2014-153 Communication (04/14/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Kaua'i Island Utility Cooperative, for damage to their property, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2014-154 Communication (04/17/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Alamo Rental Damage Recovery Unit, for damages to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2014-155 Communication (04/24/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Benjamin & Deborah Gillikin, for damages to their vehicle and personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2014-156 Communication (04/30/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Jean and Michael Legaspi, for damages to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2014-157 Communication (05/05/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Kenneth M. VandenBussche, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2014-26, Draft 1 – RESOLUTION ESTABLISHING CROSSWALKS, BUS STOP, SHARED-USE PATHS, ONE-WAY TRAFFIC LANE, AND INTERSECTION MODIFICATIONS ON 'EIWA STREET, LĪHU'E DISTRICT, COUNTY OF KAUA'I ***(Approved.)***

Resolution No. 2014-28 – RESOLUTION ESTABLISHING CROSSWALKS, REVERSE ANGLE PARKING, BICYCLE LANES, AND INTERSECTION MODIFICATIONS ON HARDY STREET, LĪHU'E DISTRICT, COUNTY OF KAUA'I ***(Approved.)***

Resolution No. 2014-30 – RESOLUTION AMENDING RESOLUTION NO. 97 (1981) BY REMOVING A SCHOOL BUS STOP ON AWAWA ROAD, HANAPĒPĒ VALLEY AREA, WAIMEA DISTRICT (*Approved.*)

Resolution No. 2014-31 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Mary K. Hertog*) (*Approved.*)

Resolution No. 2014-32 – RESOLUTION REQUESTING THE ESTABLISHMENT OF ANNUAL GRANTS FOR NON-PROFIT ORGANIZATIONS TO ENABLE REGISTERED BEEKEEPERS TO TEST THEIR BEE POLLEN FOR PESTICIDES AND OTHER THREATS (*Approved.*)

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2545) – A BILL FOR AN ORDINANCE AMENDING SUBSECTIONS 8-15.1(B) AND 8-15.1(D), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT ON OTHER THAN RESIDENTIALLY ZONED LOTS (*Referred to the Planning Commission for recommendation.*)

BILLS FOR SECOND READING:

Bill No. 2539, Draft 1 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. PM-2004-370, AS AMENDED BY ORDINANCE NO. PM-2010-400, AND ORDINANCE NO. PM-2005-374, RELATING TO THE KUKU'ULA WORKFORCE HOUSING (*Approved.*)

Bill No. 2541 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND (*Received for the Record.*)

Bill No. 2542 – A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.2 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT (*Approved.*)

Bill No. 2543 – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY MOTOR VEHICLE WEIGHT TAX (*Approved.*)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)
KCT CCs (*Via E-mail*)
Council Services Staff (*Via E-mail*)